

Please type a plus sign (+) inside this box

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

Attorney Docket No. **END 897 DIV2/GSG**

First Inventor: **Seth Foerster et al.**

Title: **Methods and Devices for Defining and Marking Tissue**

I hereby certify that this correspondence is being deposited today with the United States Postal Service as Express Mail - Post Office to Addressee in an envelope addressed to: Commissioner for Patents, MS-Patent Application, PO Box 1450, Alexandria, VA 22313.

Name: **Linda F. Hansen** Date: **December 12, 2003**

(only for new nonprovisional applications under 37 CFR 1.53(b))

Express Mail Label No. **ER 593 030 235 US**

APPLICATION ELEMENTS

See MPEP Chapter 600 concerning utility patent application contents.

ADDRESSED TO: Commissioner for Patents
MS Patent Application
PO Box 1450
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
3. ☒ Specification Total Pages: **28**
(Preferred arrangement set forth below)
- ☒ Descriptive Title of the Invention
 - ☒ Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R&D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - ☒ Background of the Invention
 - ☒ Brief Summary of the Invention
 - ☒ Brief Description of the Drawings (if filed)
 - ☒ Detailed Description
 - ☒ Claim(s)
 - ☒ Abstract of the Disclosure
4. ☒ Drawing(s) (35 USC 113) Total Sheets **7**
5. Oath or Declaration [Total Pages] **1**
- a. ☐ Newly executed copy or original
 - b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
 - b. ☐ Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statement verifying identity of above copies
- ACCOMPANYING APPLICATION PARTS**
9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement [] Power of Attorney (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 [] Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Request and Certifications under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Application Cover Sheet w/Express Mail Certification

6. ☐ Application Data Sheet. See 37 CFR 1.76

18. ☒ If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-Part (CIP) of prior application No.: 10/213,638 filed on August 7, 2002; which is a divisional of 09/954,646 filed on September 18, 2001; which is a continuation of 09/776,125, filed February 2, 2001; which is a continuation of 08/858,389 filed May 19, 1997; which is a continuation of 08/308,097 filed September 16, 1994.

Prior application information: Examiner: **B. Koo** Group Art Unit: **3764**

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

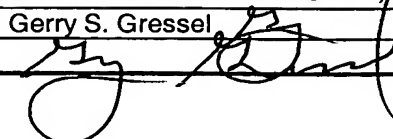
19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label **000027777** or ☐ Correspondence Address below

Name: **Philip S. Johnson, Esq.**
Address: **Johnson & Johnson**
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003 USA

20. TELEPHONE CONTACT **Gerry S. Gressel**. Please direct all telephone calls or facsimiles to:
Telephone: **(513) 337-3535** Fax: **(513) 337-8489**

21. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME	Gerry S. Gressel	Reg. No. 34,342
SIGNATURE		Date: December 12, 2003

17364 U.S. PTO
121203

FEE TRANSMITTAL

Complete if Known

Application Number	
Filing Date	December 12, 2003
First Named Inventor	Seth Foerster et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	END 897DIV2/GSG

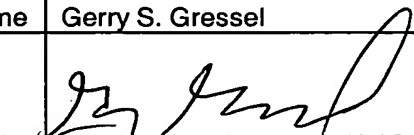
FEE CALCULATION

CLAIMS AS FILED

(1)	(2)	(3)	(4)	(5)
FOR:	NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE
TOTAL CLAIMS	4-20	0	x 18.00	\$ 0.00
INDEPENDENT CLAIMS	3-3	0	x 84.00	\$ 0/00
MULTIPLE DEPENDENT CLAIMS	<input type="checkbox"/>	N/A	\$270.00	
			TOTAL FEES	\$770.00

METHOD OF PAYMENT

- ☒ Please charge Deposit Account No. 10-0750/END 897DIV1/GSG in the amount of \$770.00.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required in connection with the filing of this communication, or credit any overpayment, to Account No. 10-0750/END 897 DIV2/GSG.

SUBMITTED BY:		Complete (if applicable)
Typed or Printed Name	Gerry S. Gressel	Reg. No. 34,342
Signature		Date: December 12, 2003
		Deposit Account No. 10-0750